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4 Attorney for Material Witnesses
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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 UNITED STATES OF AMERICA,)	Case No. 08CR1262IEG
)	Mag. No. 08MJ8282
12 Plaintiff,)	
)	DECLARATION OF COUNSEL
13 v.)	IN SUPPORT OF MOTION FOR
)	VIDEO DEPOSITION OF
14 VALADEZ-MARTINEZ,)	MATERIAL WITNESSES
)	
)	DATE: May 16, 2008
)	TIME: 10:00 A. M.
15 Defendants.)	DEPT: Bencivengo
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17 _____
18 I, JONATHAN DAVID FRANK declare:

19 I am an attorney duly licensed to practice before all the courts
20 of this State and this District and Circuit. I am the attorney of
21 record for the material witnesses in the above action. I have personal
22 knowledge of the facts set forth in this action and could testify
23 competently thereto if called.

24 My clients in this action has been in federal custody since
25 March 30, 2008. They have been held as a material witnesses in the
26 above captioned case. My clients are unable to locate a surety to post
27 bond.

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1 This case was indicted on or before April 22, 2008.

2 My clients have indicated to me that each day they spend in
3 custody is a hardship to my clients and their families as more
4 specifically set forth in their individual declarations.

5 The testimony of the witnesses could be secured via videotaped
6 depositions. This is a procedure in routine practice in this district
7 in material witness cases. At such a deposition, all parties would be
8 given the opportunity to fully and completely examine the witness. In
9 addition, the proceedings would be videotaped creating a visual and
10 auditory record of the proceeding. Such videotaped deposition could
11 be introduced at trial in stead of the live testimony of the material
12 witness.

13 Based on the above it respectfully requested that this motion be
14 granted, that said depositions take place at the earliest possible
15 time, and that my clients be allowed to voluntarily return to their
16 homes in Mexico immediately thereafter.

17 I declare under the penalty of perjury under the laws of the
18 United States of America that the foregoing is true and correct of my
19 own personal knowledge except as to those matters stated to be based
20 upon information and belief and, as to those matters, I am informed and
21 believe that they are true and correct. Executed this May 2, 2008 in
22 San Diego, California.

23 S/
24 JONATHAN DAVID FRANK,
25 Attorney for Material Witnesses
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